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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/036,585  | 12/31/2001  | Samuel W. Flynn      | 9571.00             | 4070             |
| 26884   | 7590        | 06/15/2004           | EXAMINER            |                  |
| PAUL W. MARTIN<br>LAW DEPARTMENT, WHQ-4<br>1700 S. PATTERSON BLVD.<br>DAYTON, OH 45479-0001 |             |                      | TANG, SON M         |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2632                |                  |

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/036,585 | <b>Applicant(s)</b><br>FLYNN, SAMUEL W. |  |
|                              | <b>Examiner</b><br>Son M Tang        | <b>Art Unit</b><br>2632                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 3-8 and 10-12** are rejected under 35 U.S.C. 102(b) as being anticipated by **Humble** [US 5,426,282].

**Regarding to claim 1:** Humble discloses a system for enhancing security for a self-checkout station comprising:

-a security controller [48, 58] for parsing an alert message that identifies a self-checkout station [lane identification number, see col. 4, lines 43-45], an event occurring at the self-checkout station [product stopped in the security zone 38], and a priority level for the event [product is sensed without barcode label]; and

-a security device [52] coupled to the security controller [48] so that the security device receives control messages from the security controller [48] (such as capturing product image in security zone) corresponding to the priority level (such as uncoded item) assigned the event identified in the alert message [as shown in Fig. 1-2, col. 4, lines 1-15, and lines 40-68].

**Regarding to claim 3:** Humble further discloses wherein the security device is an image data recording device [as cited in col. 4, lines 1-5].

**Regarding to claim 4:** Humble further discloses wherein the security device is an image display device 58 [as cited in col. 4, lines 5-15].

**Regarding to claim 10:** Humble further discloses a server [48] for receiving event messages from self-checkout stations and assigning priority levels [as shown in Fig. 1, col. 4, lines 40-48].

**Regarding to claim 11:** Humble further discloses a server is implemented in a terminal of one of the self-checkout stations coupled by a computer network to the server [see Fig. 1, col. 4 lines 9-15].

**Regarding to claim 12:** The claimed is being described in claims 1-11 above, Humble further discloses server 48 being coupled to the controller 58 so the alert message may sent to the controller [as cited in col. 4, lines 40-48].

**Regarding to claims 5-8:** Humble further discloses that the controller [48] includes a flashing alert indicator, audible alert tone, station identifier and an event identifier in the video stream directed to the image data display device [58] for alerting employee personnel [as shown in Fig. 1-4 and col. 4, lines 40-46, and col. 6, lines 52-59].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Humble** [US 5,426,282].

**Regarding to claim 2:** Humble further discloses that security device is a camera 52, which is be able to zoom for enlarger image which responded to controller's command [cited in col. 5, lines 18-22], Humble does not specify that controller corresponds to pan, tilt, and focus operation of the camera. It is clear that, camera 52 is being able to respond to zoom command from controller for better identification, thus, it would have been obvious of one having ordinary skill in the art to recognize that the camera is being able to carry out the same mechanism functions, which relatively to zoom command such as pan, tilt and focus.

5. Claims 9 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Humble** [US 5,426,282] in view of **Russek** [US 5,534,851].

**Regarding to claim 9:** Humble disclose all the limitation as described above, Humble fails to specify that wherein the security device is a pager associated with a security officer and the controller generates a control message containing a station identifier for transmission to the pager so that the security officer may observe the identified station. Mobile communication such as pager is known in the art, for example, Russek teaches a patient monitor which comprising a pager [18] which associated with a master controller 14, which generates a message containing a room and patient identification that require immediate response [as cited, in Fig. 1, col. 8, lines 40-53]. It would have been obvious of one having ordinary skill in the art at the time the invention was made to employ a pager communication as taught by Russek for the

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security device of Humble, in doing that, employee personnel can be free to move around and still be able to assist consumer.

**Regarding to claims 13-24:** The claimed method steps are interpreted and rejected as rejection stated above.

***Conclusion***

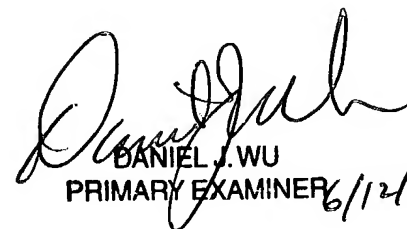
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blackshear [US 5,111,288], Humble et al. [US 4,676,343], Schneider [US 5,115,888], Humble [US 4,964,053], Baitz et al. [US 5,025,477], Humble [US 5,494,136], Novak [US 5,497,314] and Schneider [US 5,083,638].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

  
DANIEL J. WU  
PRIMARY EXAMINER 6/12/04